



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Oleksy et al.)
Serial No.: 10/517,734)
Filed: December 8, 2004)
Group Art Unit: 1797)
Examiner: Nguyen, Tam M)

For: EB/SM SPLITTER HEAT RECOVERY

New York, NY 10022
March 25, 2009

Mail Stop: RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to Applicant(s) duty of disclosure, the information listed on the attached form PTO-1449 is brought to the attention of the Examiner. A copy of the non-U.S. listed item is enclosed.

CERTIFICATION UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop: RCE Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: March 25, 2009

03/31/2009 WASFAW1 00000009 504459 10517734
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Peter J. Fallon

The citation of the listed item is not a representation that it constitute a complete or exhaustive listing of the relevant art or that the reference is prior art, or that an exhaustive search has been performed to locate prior art. The item listed is submitted in good faith, but is not intended to a substitute for the Examiner's search.

The listed item was cited in a Supplementary European Search Report dated October 19, 2007, (copy enclosed), and a Communication pursuant to Article 94(3) EPC dated January 1, 2008, (copy enclosed), by the European Patent Office in a counterpart International application . The references cited in the enclosed Search Report and Communication not listed on accompanying Form PTO-1449 have been previously made of record.

The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

- ☐ This information disclosure statement is being filed within three (3) months of the filing date of this application.
- ☐ This information disclosure statement is being filed within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application.
- ☐ To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the date of mailing of a first Office Action on the merits in connection with this case.
- ☒ To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the mailing of a first Office Action after the filing of a request for continued examination under §1.114
- ☐ Enclosed herewith is a certificate under 37 C.F.R. § 1.97(e)(1).
- ☐ Enclosed herewith is a petition under 37 C.F.R. § 1.97(d)(ii).
- ☐ Enclosed by check is the petition fee of \$130.00. 37 C.F.R. § 1.17(i)(1))
- ☐ Please charge the **\$130.00** petition fee to Deposit Account No. **50-4459**.

- ☐ Enclosed by check is the **\$180.00** fee required by 37 C.F.R. § 1.17(p).
- ☐ Please charge the **\$180.00** fee required by 37 C.F.R. § 1.17(p) to Deposit Account No. 50-4459.
- ☒ Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. § 1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 50-4459. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 50-4459 therefor. **TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.**

Early and favorable consideration of the case is respectfully requested.

Respectfully submitted,



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March 25, 2009
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NYC 81349v.1



U.S. Patent Application serial No.: 10/517,734
Attorney Docket No. 696-268A (1003465-00167)

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